

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

KIRSTJEN M. NIELSEN, *et al.*,

Defendants.

Case No. 18-cv-00068

FEDERAL DEFENDANTS' STATUS REPORT RE: SCHEDULING ORDER

On May 15, 2108, the Court ordered the parties to either submit an agreed scheduling order as to Plaintiffs' motion for preliminary injunction by May 25, 2018 or that each party submit their own scheduling order by May 25, 2018. *See* Dkt., Unnumbered Minute Entry.

On May 21, 2018, Plaintiffs moved for a scheduling order that would require the parties to file responses to Plaintiffs' motion for preliminary injunction on or before May 25, 2018, require Plaintiffs' reply by May 29, 2018, and convert the May 30, 2018, scheduling hearing in this case to a hearing on Plaintiffs' motion for preliminary injunction. *See* Dkt. No. 36. Defendant-Intervenors opposed Plaintiffs motion on May 21, 2018, without offering an alternative schedule. *See* Dkt. No. 38. Federal Defendants do not oppose Plaintiffs' motion for a scheduling order, which was fully briefed as of May 22, 2018. *See* Dkt. No. 46.

Federal Defendants have also now received and reviewed Defendant-Intervenors' scheduling proposal, which mirrors the proposed schedule filed by proposed intervenors. *See* Dkt. No. 48. That proposed schedule contemplates discovery through August 13, 2018, and

would not have Plaintiffs' motion for preliminary injunction and any Rule 12 motions fully briefed before October 11, 2018. Notably absent from this scheduling proposal is any briefing schedule for parties to move the Court to permit the early discovery that Defendant-Intervenors and proposed intervenors seek. Should Defendant-Intervenors and proposed intervenors want to seek discovery, they should file a motion with the Court.

Federal Defendants oppose discovery of Federal Defendants. Federal Defendants are prepared to file a response to Plaintiffs' motion for preliminary injunction at any time once the Court enters a scheduling order and reiterate their interest in resolution of all DACA-related litigation as quickly and orderly as possible.

Dated: May 25, 2018

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General
Civil Division

BRETT A. SHUMATE
Deputy Assistant Attorney General

WILLIAM C. PEACHEY
Director, Office of Immigration Litigation
District Court Section

/s/ Jeffrey S. Robins
JEFFREY S. ROBINS
Attorney-in-Charge
Assistant Director
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
District Court Section
P.O. Box 868, Washington, DC 20044
Telephone: (202) 616-1246
Facsimile: (202) 305-7000
jeffrey.robins@usdoj.gov

Attorneys for Federal Defendants

CERTIFICATE OF SERVICE

I certify that on May 25, 2018, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jeffrey S. Robins
JEFFREY S. ROBINS